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DATE March 11, 2005
NAME Board of Appeals
COMPANY USPTO
FAX NUMBER 703 305 0942
FROM Jacqueline M. Hutter
REFERENCE NO. 03269.0029U2
OUR FAX NUMBER 678-420-9301
NUMBER OF PAGES 4

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2005 MAR 11 PM 3:25
BOARD OF PATENT APPEALS
AND INTERFERENCES

Re: U.S. Application No. 09/032,893
Filed: February 27, 1998

Attached hereto are the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences
2. Form PTO-2038 in the amount of \$170.00
3. Certificate of Facsimile Transmission dated March 11, 2005

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CONFIDENTIALITY NOTE

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ATTORNEY DOCKET NO. 03269.0029U2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Bieser <i>et al.</i>)	Art Unit: 1771
)	
Application No. 09/032,893)	Examiner: Juska, C.
)	
Filing Date: February 27, 1998)	Confirmation No. 1428
)	
For: HOMOGENEOUSLY BRANCHED)	
ETHYLENE POLYMER CARPET,)	
CARPET BACKING AND METHOD)	
FOR MAKING SAME)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

VIA FACSIMILE (703 305 0942)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

March 11, 2005

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 16, 2004 rejecting claims 1, 3-6, 9-12, and 15-17.

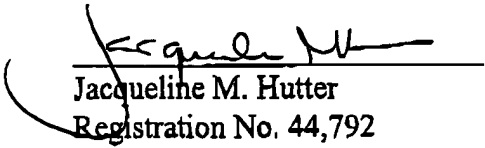
35 U.S.C. § 134 states that "an applicant for a patent...may appeal from a decision of the primary examiner to the Board of Patent Appeals and Interferences, having *once* paid the fee for such appeal" (emphasis added). The fee for filing a Notice of Appeal specified in 37 C.F.R. 41.20(b)(1) was previously paid with the Notice of Appeal mailed May 17, 2004. A credit card authorization in the amount of \$170.00 is enclosed, representing the difference in the notice of appeal fee originally paid and the fee currently due. This amount is believed to be correct;

ATTORNEY DOCKET NO. 03269.0029U2
APPLICATION NO. 09/032,893

however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Jacqueline M. Hutter
Registration No. 44,792

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Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: (703) 305 0942, on the date indicated below.


Jacqueline M. Hutter

Mar 11, 2005
Date